

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAVIER PEREZ,

Plaintiff,

v.

TOM DART,

Defendant.

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Case No. 16 C 8711

MEMORANDUM ORDER

Because pro se prisoner plaintiff Javier Perez ("Perez") in this now-dismissed putative 42 U.S.C. § 1983 action repeatedly failed to comply with his obligations under 28 U.S.C. § 1915(a)(2) despite this Court's having ordered him to do so twice (see its September 12 and September 29 memorandum orders), this Court has been compelled (as the second of those orders stated) to "look to its own staff to obtain that information to enable this Court to carry out its responsibilities under that statute." That has been done, and it turns out that Perez has been in custody at the Lincoln Correctional Center ("Lincoln") throughout the six-month period preceding the filing of Perez' Complaint, even though the gravamen of his action related to an earlier time when he was in custody at the Cook County Jail.

This Court's calculation based on deposits in the Lincoln-based trust fund account during the six months preceding the filing of this action has revealed a monthly average of \$145.51 in those deposits during that time frame (see Section 1915(b)(1)(A)), 20% of which (*id.*) comes to \$29.10. Accordingly Perez is assessed an initial partial filing fee of \$29.10 plus 20% of the additional deposits into that account since September 2, 2016, and the Lincoln trust fund officer

is ordered to collect that amount from Perez' trust fund account there and to pay it directly to the Clerk of Court ("Clerk"):

Office of the Clerk
United States District Court
219 South Dearborn Street
Chicago IL 60604

Attention: Fiscal Department.

After such payment the trust fund officer at Lincoln (or at any other correctional facility where Perez may hereafter be confined) is authorized to collect monthly payments from his trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from the trust fund account shall be forwarded to the Clerk each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. Both the initial payment and all future payments shall clearly identify Perez' name and the 16 C 8711 case number assigned to this action. To implement these requirements, the Clerk shall send a copy of this order to the Lincoln trust fund officer.



Milton I. Shadur
Senior United States District Judge

Date: October 7, 2016